

2021 BLANCHARD FARMERS MARKET GUIDELINES

I. OBJECTIVES

To provide a reliable outlet where Oklahoma Farmers, Ranchers, and Gardeners can sell fresh produce and other agricultural products directly to customers; to provide a place where fresh produce and other agricultural products can be purchased in quantities suited to the needs of customers; to educate the community about the availability, selection and preparation of locally grown, fresh produce and other Agricultural products; and to encourage increased production of quality products for local consumption.

II. MARKET STRUCTURE

The Blanchard Farmers Market will be:

- registered as an “Oklahoma Farmers Market; and
- registered as an “Oklahoma Grown Market” as administered by the Oklahoma Department of Agriculture, Food, and Forestry.

III. WHO MAY SELL

- A) Oklahoma Growers of fruits, vegetables, livestock, plants and other agricultural products. All produce, plants, meats and agricultural products must be grown or raised in Oklahoma. Growers must raise at least eighty (80%) percent of the items they bring to Market on any one day. Growers are allowed to purchase up to twenty (20%) percent of their products from another Oklahoma Grower / Producer. Products bought for resale must be labeled with the Farm Name and Town of the Grower from whom they were purchased.
- B) Food preparers and processors offering ready-to-eat and packaged food items that their business had prepared. Exceptions for other eligible products made in Oklahoma may be allowed on a case by case basis, to best balance the offering of products available at Market.
- C) Crafters and Artisans offering food, garden, Agricultural or nature-based products they have made themselves.
- D) Nonprofit Groups and Organizations wishing to educate the public and/or conduct fundraising with the following conditions:
1. As space is available.
 2. Only selling items consistent w/ the Farmers Market theme, and not in direct competition with other vendors or products at the Market.
 3. Groups selling items will be limited to only attending twice in one season for no charge.

IV. WHAT MAY BE SOLD AND LICENSE REQUIREMENTS

- A) Fresh produce and other agricultural products. Produce should be mature but not overripe; void of decay; have good external/internal appearance; and be clean and free of contamination.
- B) Other products currently allowed, with respective authorization:
1. Baked goods.

- a “Home Food Establishments” must have a valid sales tax license.
 - b No meat or fresh fruit allowed in baked goods unless prepared in a certified kitchen
 - c A portion of the raw food ingredients used by the individual vendor to produce a product must have been grown or raised by a producer in Oklahoma.
 - d Please see the OSU Fact sheet to understand how the 2017 Home Baking Act applies to your business:
<http://factsheets.Oklahomastate.edu/documents/fapc-183-understanding-the-Oklahoma-home-bakery-act/>
2. Honey.
 - a Beekeepers are encouraged to register with the OKLAHOMA Department of Agriculture, (405)522-5882, <http://www.oda.state.Oklahoma.us/forms/cps/beereg.pdf>.
 - b Oklahoma beekeepers with annual production less than 500 gallons are not required additional licensing or inspection, as long as all honey is produced and sold by them or their family.
 - c For labeling requirements and other details, go to <https://www.sos.Oklahoma.gov/documents/legislation/54th/2013/1R/SB/716.pdf>.
 3. Pecans, Peanuts, other nuts and grains.
 - a Whole grains may be customer ground and nuts may be customer cracked after sale.
 - b If cracked or ground prior to sale, this processing should take place in a licensed and/or inspected facility. Contact the Field Sanitarian in the County Health Department. where the facility is located.
 4. Eggs.
 - a Vendors must have an Egg Packer’s License from the Oklahoma Department of Agriculture, Food and Forestry: (405-522-5924), <http://www.oda.state.Oklahoma.us/food/epapal.pdf>.
 - b Eggs must be refrigerated to 41° F or below at all times.
 5. Meats.
 - a Vendors must have a licensed mobile unit for transporting and storage of meats while at Market. Contact: Consumer Protection Division, Oklahoma Department of Health (405-271-5243).
 - b Animals must be slaughtered and processed in a state or federally inspected facility and show the Mark of Inspection. Oklahoma Department of Agriculture, Meat Inspection (405-522-6114).
 - c Packages must be accurately labeled (weight, vendor, handling instructions, etc.).
 6. Dairy.
 - a Raw, unpasteurized dairy products are not allowed to be sold.
 - b Other dairy products should be approved and/or permitted by the OKLAHOMA Department of Agriculture, Dairy Services (405-522-6130).
 7. Bedding plants, vegetable plants, and flowers.
 An Oklahoma Department of Agriculture Nursery Grower License is required to sell plants. (405-521-3864, <http://www.oda.state.Oklahoma.us/forms/cps/cps-nursgrower.pdf>.)
 8. Canned fruits and vegetables, baked goods or any prepared foods:
 - a. These items may be sold only if they have been made in a licensed/inspected commercial or mobile kitchen, certified by the appropriate County Health Department-
 9. Crafts / Nonfoods.
 - a Limited to garden, agricultural or nature-based/related craft items, handmade by the Seller.
 - b Craft-only Vendors are limited to 10% of spaces available on any given Market day, subject to the Board’s or Board’s discretion.
 - c Crafts that are applied to the skin are regulated by the FDA or EPA and must have proper

labeling and adhere to those Laws (see <http://www.fda.gov/Cosmetics/CosmeticLabelingLabelClaims> for more information on claims made regarding these products when selling to the public).

V. HOW PRODUCE MAY BE SOLD

- A) Produce may be sold by weight, volume or count. If selling by weight, scales must be commercial quality designed for retail sale. For more information, contact **Oklahoma Department of Agriculture, Weights and Measures Program (405-522-5968)**.
- B) Each Grower shall post prices on the products being sold. Items purchased for resale from another Oklahoma Grower should be identified as such with blue tags indicating the Farm Name and Town of the Grower. These signs can be obtained from the Market Board.
- C) Growers should provide sacks, bags or containers for their customers. Best sources for farmers market bags, sacks or containers are www.amazon.com or www.walmart.com or Sadler Paper (918) 683-5666.
- D) Each Grower / Vendor must post a sign with their Business or Farm Name at their display area. Lettering should be clearly legible.
- E) In order to reduce customer confusion and promote our commitment to **Oklahoma Grown**, produce boxes and baskets printed with any State or Country other than Oklahoma will not be allowed in the Market area or parking lot.

VI. EXCHANGES AND REFUNDS

Exchange of produce and / or refunds is up to the Grower. Growers and other Vendors are strongly encouraged to offer one-hundred (100%) percent satisfaction to their customers.

VII. SANITATION AND HEALTH / SAFETY REQUIREMENTS

Each Grower / Vendor is responsible for ensuring the food safety integrity of their products and keeping their area in a clean, neat manner throughout the day, and before departing at the end of the Market day. Failure to do so may result in a \$50 fine or forfeiture of the Right to Sell at the Market. Both actions may be imposed. Boxes, flats, umbrellas and other possible obstacles must be safely located out of customer paths. Signs, Display Items and Shade Structures must also be safely secured.

VIII. SPACES AND FEES

(FREE for 2021)

- A) **Membership Dues for the Association are \$-0-** per business/household. Each Member is required to pay a **space fee of \$-0- for Saturday** for a single space under 10' x 10' tent (provided by the Market). All money collected is used for operating and promoting the Market.
 - 1. Each Grower must sell from a chosen or assigned space. Spaces will be assigned to Vendors on a first-come-first-served basis.
 - 2. Vendors must be present and be up to date on all dues and fees. At the Board's discretion,

Annual Dues may be paid in installments. Any Member missing the meeting will be assigned a space only when they arrive to sell at the Market.

3. Ten (10) 10' x 10' single spaces are available. Each space shall be a minimum of six (6') feet apart.
 4. If all available spaces are allocated, then additional Vendors will be placed at the west end of the tents or elsewhere as deemed appropriate. All spaces will be 10' x 10', and may be assigned as double spaces depending on space availability, Vendor's product offering and Board's discretion. The space fee for a single overflow space will be \$-0- on Saturdays, as this will likely be the only Market day requiring this arrangement. Vendor's spaces must be completely unloaded with their vehicle removed by 7:30 a.m. No vehicles will be allowed in the area after this time, until Market ends at noon and shall be parked in a designated location.
 5. If the assigned Vendor is unable to attend after missing three (3) consecutive full weeks beyond the stated date, the space may be forfeited to other Vendors according to the process in #1.
 6. Any space left vacant for three (3) consecutive full weeks (Saturdays) after a Vendor begins coming to Market, may be forfeited. That space will be available to any Member interested. If more than one (1) Vendor wants this space, it will be assigned based on the previous year's attendance or the date of their Application. If only new Members are interested, the space will be assigned based on the current year's attendance and / or date of Application. If neither new Member has yet attended, the date of initial Market Membership will be used. If there is a tie, a drawing will be necessary. A Member whose space is forfeited will be reassigned a new space when they return to sell, if one is available.
 7. Growers/Vendors may participate in a shared space if they do not have enough to fill their assigned space on any Market day, only under the following Guidelines. A *Shared Space Policy* is offered as a courtesy for smaller Growers and must not be taken for granted or abused.
 - a The Vendor is responsible for finding someone to share a space. The Market Board may be able to suggest someone and provide contact number.
 - b A *Partner* must be found no later than the night before Market day.
 - c Space Fees are \$-0- on Saturday. Growers must arrange their own fee splitting, and full fees are due even if only one Vendor occupies a space.
 - d Each Vendor has the right to agree or decline to share a space.
 - e No more than two (2) shared spaces will be allowed on any Market day.
- B) Tables or like structures, with tablecloth for displaying merchandise for sale are preferred and shall be furnished by the Vendor. Large items such as melons, pumpkins, or bulk items such as corn, may NOT be sold from vehicles or trailers in assigned spaces. (However, a small trailer (10' or less) can be parked behind the tent.
- C) Market spaces should be attended to at all times. The Vendor assumes responsibility for any losses of product or money from the Market site.
- D) Market fees must be paid at the end of each week to the Market Board or their Designee. The monthly accounting sheet is to be kept by the Vendor as their receipt.

- E) No generators are allowed unless super quiet. No music or entertainment allowed in booth space.

IX. TAXATION

Vendors selling **only** produce grown on their own farm are exempt from this requirement. All other vendors must have an **Oklahoma Sales Tax Permit** in order to sell at the Farmers Market, issued by the Oklahoma Tax Commission, and a copy of the Permit shall be provided to the Market Manager. The Vendor is responsible for assessing the appropriate City, County and State Sales Tax on all products sold, and remitting their Sales Tax to the OTC. Sales Tax cannot be collected on SNAP, Senior Farmers' Market and WIC sales, if accepted. **The Blanchard Farmers Market Board is not responsible for collection or remittance of Sales Taxes.** Each Vendor shall contact the Oklahoma Tax Commission to obtain a Business Registration Packet. Call 405-521-3279 or go to www.tax.Oklahoma.gov/btforms.htm.

X. WHEN THE MARKET WILL OPEN

- A) The Market normally opens the third Saturday in April, and concludes on the first Saturday in October. However, the Market will be opening for 2021 on Saturday, **June 5th** and ends on Saturday, the **2nd** day of October.
- B) Market hours are 8am – Noon on Saturdays. Vendors are asked to set up at least thirty (30) minutes prior to the open time of Market.
- C) NO product may be sold until the opening time. (This is for the safety of the Vendor and customers).

XI. OPERATIONAL COMMITTEE

The Operational Committee shall consist of the Mayor of the City of Blanchard, the Chairman of the Blanchard Economic Trust Authority, City Manager of the City of Blanchard, the City Planner of the City of Blanchard and the Parks Director of the City of Blanchard.

XII. CITIZENSHIP, COMPLAINTS AND DISAGREEMENTS

- A) Vendors reflect upon the Blanchard Farmers Market, City of Blanchard and the community while at the Farmers' Market. Therefore, any information given to the public must be accurate and positive in nature.
- B) To insure fairness for both parties the following Guidelines must be followed in any disagreements or complaints by Vendors. All complaints must be provided to the Market Board or a Member of the Board of Trustees or the Blanchard City Manager.
1. Complaint must be in written form with names of both the Offending Party and the person filing the Complaint, as well as the specific offense.
 2. Three (3) written Complaints, by three (3) different Members, of the same Offense and same Offender, must be submitted before any action will be taken by the Board of Trustees.
 3. The Board of Trustees reserves the right to take any action they deem appropriate, including revoking Market Membership and/or prohibiting the Offending Party from selling at the Market.

XIII. CONDUCT AND DRESS CODE

Conduct will be above reproach while selling at the Market. Clean and comfortable clothing is suggested. The Market reserves the right to refuse membership to anyone for reasons which might jeopardize the safety of Market members, customers or volunteers and/or compromise the integrity of the Market.

XIV. ALCOHOL BEVERAGES OR DRUGS

NO Alcoholic Beverages may be sold at the Market. Alcoholic Beverages are NOT to be consumed by Vendors while on premises. Vendors displaying behavior indicating an alcohol or drug problem may be asked to leave the premises and/or to cease attending.

XV. TOBACCO PRODUCTS

NO Tobacco or Vaping Products may be sold at the Market. Smoking or Vaping is NOT allowed. Each Vendor shall politely remind customers that smoking is prohibited. The City shall display “NO SMOKING” signs on the premises.

XVI. MEDICAL MARIJUANA

NO Medical Marijuana products or other tobacco products may be sold at the Market. Medical marijuana products are NOT to be used by Vendors while on premises. Vendors displaying behavior indicating a marijuana or drug problem may be asked to leave the premises and/or to cease attending.

XVII. ANIMALS

NO pets or other animals, other than certified guide dogs, are allowed in the Market area. This is an Oklahoma Department of Health rule.

XVIII. INSURANCE

While general liability insurance will be provided for public risk, Vendors and their products are not covered. Therefore, it is recommended each Vendor to acquire farm liability insurance.

XIV. ENFORCEMENT OF RULES

The Board of Trustees has the responsibility of enforcing these Guidelines. Any Grower or Vendor who fails to comply shall have his or her spaces declared vacant at the discretion of the Market Board or Board of Trustees.

XX. REVISION OF THESE GUIDELINES

All rules and regulations may be revised for clarity or safety at any time by the Market Board and/or Board of Trustees of the Blanchard Economic Trust Authority. Any structural changes shall be provided to each participant prior to implementation.